

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Kendrick Lowe,

Petitioner,

v.

Warden R.S. Dunbar,

Respondent.

C/A No. 2:23-CV-01511-JFA

**ORDER**

Petitioner, Kendrick Lowe, a federal prisoner proceeding *pro se*, filed a petition for habeas corpus pursuant to 28 U.S.C. § 2241. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), the case was referred to the Magistrate Judge for initial review.

Petitioner filed his petition on April 13, 2023. (ECF No. 1). By order dated April 19, 2023, the Magistrate Judge provided Petitioner the opportunity to either pay the filing fee or seek leave to proceed *in forma pauperis*. (ECF No. 3). Petitioner paid the appropriate filing fee on May 8, 2023. ECF No. 6. On September 18, 2023, Respondent filed a Motion to Dismiss for Lack of Jurisdiction. ECF No. 12. The Magistrate Judge issued a *Roseboro* Order directing Petitioner to respond to the Motion by October 20, 2023. ECF No. 13. Petitioner did not file a response, though the Magistrate Judge issued an order extending time to file until November 13, 2023. ECF No. 15. Still, Petitioner did not file a response.

The Magistrate Judge assigned to this action<sup>1</sup> prepared a thorough Report and Recommendation (“Report”). (ECF No. 17). Within the Report, the Magistrate Judge opines that this action be dismissed with prejudice in accordance with Federal Rule of Procedure 41. *Id.* The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

Petitioner was advised of his right to object to the Report, which was entered on the docket on November 17, 2023. *Id.* Petitioner failed to file objections to the Report or a response to the Motion to Dismiss. Thus, this matter is ripe for review.

A district court is only required to conduct a *de novo* review of the specific portions of the Magistrate Judge’s Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Magistrate’s Report, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Here, Petitioner has failed to raise any objections and therefore this Court is not required to give an explanation for adopting the recommendation. A review of the Report and prior orders indicates that the Magistrate Judge correctly concluded that the Petitioner’s action should be dismissed for failure to prosecute.

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<sup>1</sup> The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976).

After carefully reviewing the applicable laws, the record in this case, and the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein by reference. (ECF No. 17). Consequently, this matter is summarily dismissed with prejudice pursuant to Federal Rule of Procedure 41(b).

IT IS SO ORDERED.

March 19, 2024  
Columbia, South Carolina

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." The signature is written in a cursive, flowing style.

Joseph F. Anderson, Jr.  
United States District Judge